

Message Text

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ACTION EA-10

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TAGS: AS, PFOR

SUBJECT: AUSTRALIAN CABINET CHANGES CONSEQUENT ON
APPOINTMENT OF SENATOR MURPHY TO HIGH COURT

REF: CANBERRA 915

1. AT MEETING OF LABOR PARLIAMENTARY CAUCUS FEB 10 SENATOR JAMES MCCLELLAND OF NEW SOUTH WALES (NOT TO BE CONFUSED WITH SENATOR DOUGLAS MCCLELLAND, ALSO A LABOR SENATOR FROM NEW SOUTH WALES; THE TWO ARE NOT RPT NOT RELATED) WAS ELECTED TO CABINET. IN RELATED DECISION PRIME MINISTER WHITLAM ANNOUNCED FEB 10 THAT MHR K.E. ENDERBY (LABOR MEMBER FOR CANBERRA, IN ACT) WAS DESIGNATED ATTORNEY GENERAL TO REPLACE SENATOR MURPHY, WHILE SENATOR K.S. WRIEDT (LABOR, TASMANIA) WAS DESIGNED GOVERNMENT LEADER IN SENATE. SENATOR JAMES MCCLELLAND WAS DESIGNATED MINISTER FOR MANUFACTURING INDUSTRY, REPLACING ENDERBY IN THAT PORTFOLIO.

2. STILL PENDING IS QUESTION OF REPLACEMENT OF MURPHY IN SENATE. PREMIER TOM LEWIS OF NSW HAS NOT RPT NOT YET DECIDED ON WHETHER TO REPLACE MURPHY WITH LABOR OR WITH LIBERAL SENATOR. PRECEDENT NAD GOOD POLICY WOULD SUGGEST HE SHOULD REPLACE MURPHY WITH LABOR SENATOR, BUT NARROWER LIB-
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ERAL PARTY ADVANTAGE MIGHT BEST BE SERVED BY DESIGNATING

DESERVING LIBERAL PARTY FIGURE.

3. COMMENT: ELECTION OF SENATOR JAMES MCCLELLAND LEAVES CABINET BALANCE ESSENTIALLY UNCHANGED. SENATOR MURPHY WAS REGARDED AS QTE. LEFTIST END QTE. IN MOST RESPECTS (THOUGH HE DID NOT RPT NOT MAKE PRACTICE OF ATTACKING U.S. FOREIGN POLICIES), AND SENATOR JAMES MCCLELLAND IS GENERALLY REGARDED AS QTE. LEFTIST END QTE. AS WELL. HE HAS BEEN FREQUENTLY CRITICAL OF U.S. FOREIGN POLICIES, PARTICULARLY IN INDO-CHINA.

4. APPOINTMENT OF SENATOR MURPHY TO BE JUSTICE OF THE HIGH COURT OF AUSTRALIA HAS PROVOKED CONSIDERABLE CRITICISM IN THE PRESS. MURPHY IS WELL-KNOWN ADVOCATE (AND OFTEN WAS DRAFTER) OF CENTRALIST LEGISLATION DESIGNED TO ENHANCE POWER OF GOVERNMENT OF AUSTRALIA AT EXPENSE OF STATES. THERE IS SERIES OF COURT CHALLENGES TO MURPHY-SPONSORED LEGISLATION COMING BEFORE HIGH COURT. IN AUSTRALIAN PRACTICE, JUSTICES OF HIGH COURT HAVE NOT RPT NOT MADE PRACTICE OF DISQUALIFYING THEMSELVES FROM HEARING CASES IN WHICH THEY WERE PERSONALLY INVOLVED AT INCEPTION OF LITIGATION. IT IS THUS POSSIBLE THAT MURPHY WILL AFFECT NARROW BALANCE IN HIGH COURT ON THESE COURT CHALLENGES TO LABOR LEGISLATION OVER NEXT FEW MONTHS IN PARTICULAR.
HARROP

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